

PATENT  
SJO920030085US1  
0037.0061

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Examiner: Not Yet Assigned  
A. Kojenov et al. )  
Serial No.: Not Yet Assigned )  
Filed: March 30, 2004 ) Art Unit: Not Yet Assigned  
For: METHOD, SYSTEM, AND )  
PROGRAM FOR RESTORING )  
DATA TO A FILE )  
)  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

Dear Sirs:

In accordance with 37 CFR §§ 1.56, 1.97, and 1.98, enclosed please find Form PTO-1449 listing the attached references which might be deemed material to the examination of the above-identified application.

A. Non-English Language References

- Enclosed is a search report for a counterpart application. The search report Examiner has provided comments on the relevancy of any non-English language references cited in the search report.
- The specification incorporates comments on the relevancy of Non-English language references.
- Set forth below are comments provided by the applicant's home country counsel on the relevancy of non-English language references:

- B.  The information disclosure statement submitted herewith is being filed
- 1) within three months of the filing date of a national application other than a continued prosecution application under 1.53(d);
  - 2) within three months of the date of entry into the national stage as set forth in 1.491 in an international application;
  - 3) before the mailing date of a first Office Action on the merits; or
  - 4) before the mailing date of a first Office Action after filing of a Request for Continued Examination under 1.114.
- C.  The information disclosure statement transmitted herewith is being filed *after* the period specified in paragraph B, but before the mailing date of a final action under 1.113, a Notice of Allowance under 1.311, or an action otherwise closing prosecution, and is accompanied by:
- 1) a Statement under 1.97(e); or
  - 2) a fee of \$180 as set forth in 1.17(p).
- D.  The information disclosure statement transmitted herewith is being filed *after* the period specified in paragraph C, but before payment of the issue fee, and is accompanied by:
- 1) a Statement under 1.97(e); and
  - 2) a fee of \$180 as set forth in 1.17(p).

#### **STATEMENT UNDER 1.97(e)**

I, the person signing below, certify

- that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(1).
- that no item of information contained in the information disclosure statement was

cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the statement. 37 C.F.R. §1.97(e)(2).

If required under paragraph C or D *supra*, enclosed is Applicant's check in the amount of \$180 as set forth in 1.17(p). Please charge any insufficiency or credit any overpayment to Deposit Account No. 09-0466. A duplicate of this letter is enclosed for fee processing.

Respectfully submitted,



William K. Konrad  
Registration No. 28,868  
KONRAD RAYNES & VICTOR, LLP  
315 S. Beverly Drive, Suite 210  
Beverly Hills, CA 90212  
(310) 556-7983  
(310) 556-7984 (fax)

Dated: March 30, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on March 30, 2004.

  
\_\_\_\_\_  
William K. Konrad

3/30/04  
(Date)

Form 1449/PTO				<i>Complete if Known</i>	
				<b>Application Number</b>	Not Yet Assigned
				<b>Filing Date</b>	March 31, 2004
				<b>First Named Inventor</b>	A. Kojenov et al.
				<b>Art Unit</b>	Not Yet Assigned
				<b>Examiner Name</b>	Not Yet Assigned
<b>Page</b>	1	of	2	<b>Attorney Docket Number</b>	SJO920030085US1

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code- Number- Kind Code				
		EP 05 66967	10-27-1993	IBM Corp.		
		WO 95/00906	01-05-1995	VINCA Corp.		

Form 1449/PTO				<i>Complete if Known</i>	
				Application Number	Not Yet Assigned
				Filing Date	March 31, 2004
				First Named Inventor	A. Kojenov et al.
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Page	2	of	2	Attorney Docket Number	SJO920030085US1

--	--	--	--	--	--	--

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T
		IBM Corp. "IBM Tivoli Storage Manager for UNIX. <i>Backup-Archive Clients Installation and User's Guide.</i> " Version 5, Release 2, Fourth Edition., April, 2003. Title Page, Copyright Page, Table of Contents (pp. iii-vi), Chapter 4 (pp. 59-88) and Chapter 5 (pp. 89-107).	
		Command Reference, Volume 2, "dd Command," pp. 1-6 [online] [retrieved on 12-09-2003]. Available from <a href="http://publibn.boulder.ibm.com/doc_link/en_US/a_doc_lib/cmds/aixcmds2/dd.htm">http://publibn.boulder.ibm.com/doc_link/en_US/a_doc_lib/cmds/aixcmds2/dd.htm</a>	
		Webopedia.com, "file," pp. 1-3 [online] [retrieved on 12-11-2003]. Available from <a href="http://www.webopedia.com/TERM/f/file.html">http://www.webopedia.com/TERM/f/file.html</a>	
		SearchWin2000.com Definitions, "file allocation table," pp. 1-3 [online] [retrieved on 12-11-2003]. Available from <a href="http://searchwin2000.techtarget.com/sDefinition/0,,sid1_gci213956,00.html">http://searchwin2000.techtarget.com/sDefinition/0,,sid1_gci213956,00.html</a>	
		SearchDatabase.com Definitions, "flat file," pp. 1-2 [online] [retrieved on 12-11-2003]. Available from <a href="http://searchdatabase.techtarget.com/sDefinition/0,,sid13_gci212131,00.html">http://searchdatabase.techtarget.com/sDefinition/0,,sid13_gci212131,00.html</a>	
		Webopedia.com, "format," pp. 1-3 [online] [retrieved on 12-11-2003]. Available from <a href="http://www.webopedia.com/TERM/f/format.html">http://www.webopedia.com/TERM/f/format.html</a>	
		What's.com Target Search, "format," pp. 1-3 [online] [retrieved on 12-11-2003]. Available from <a href="http://whatis.techtarget.com/definition/0,,sid9_gci212141,00.html">http://whatis.techtarget.com/definition/0,,sid9_gci212141,00.html</a>	
		SearchStorage.com, "Ask the Expert: Questions and Answers," pp. 1-3 [online] [retrieved on 1-19-2004]. Available from <a href="http://searchstorage.techtarget.com/ateQuestionNResponse/0,289625,sid5_cid539015_tax2...">http://searchstorage.techtarget.com/ateQuestionNResponse/0,289625,sid5_cid539015_tax2...</a>	
		SYMANTEC. "How to backup and restore an image to a mapped network drive with Norton Ghost 2003," pp. 1-3 [online] [retrieved on 1-30-2004]. Available from <a href="http://service1/symantec.com/SUPPORT/ghost.nsf/pfdocs/2002121010435125?Open">http://service1/symantec.com/SUPPORT/ghost.nsf/pfdocs/2002121010435125?Open</a>	
		Search Storage.com, "sector," pp. 1-3 [online] [retrieved on 12-11-2003]. Available from <a href="http://searchstorage.techtarget.com/sDefinition/0,,sid5_gci212957,00.html">http://searchstorage.techtarget.com/sDefinition/0,,sid5_gci212957,00.html</a>	

Examiner Signature	Date Considered
--------------------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.